

December 12, 2023

VIA ECF

The Honorable Sarah Netburn
United States District Court, S.D.N.Y.
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10017

Re: *Lynne Freeman v. Tracy Deebs-Elkenaney et al.*, 1:22-cv-2435(LLS)(SN)

Dear Judge Netburn:

We write on behalf of all parties, in order to clarify the parties' request regarding summary judgment briefing in the above-referenced matter. In light of the Court's ruling yesterday on that request (ECF No. 292) (the "Order"), we are concerned that the parties' letter request might have been interpreted as seeking additional briefing pages, whereas the parties actually seek to submit fewer pages of summary judgment briefing. In light of the foregoing, the parties seek reconsideration of the Court's Order.

Originally, pursuant to Second Amended Scheduling Order Plaintiff would have filed two separate motions for summary judgment, one against the Publishing Defendants and one against the Prospect Defendants, with each brief totaling no more than 25 pages. Plaintiff then asked to submit a consolidated, single brief on the copyright issue totaling 30 pages. The Court approved this consolidated approach and Plaintiff filed its 30-page copyright brief on November 22, 2023.

Under the Second Amended Scheduling Order, currently Defendants each would now file 50-page opening/opposition briefs (totaling 100 pages), and Plaintiff would respond to each of these with two 40-page opposition/reply briefs (totaling 80 pages), and the Publishing Defendants and Prospect Defendants would each submit 15-page replies (totaling 30) pages. ***This would be a grand total of 210 pages still to be submitted.***

The parties' proposal would reduce this briefing by 30 pages, and consolidate copyright arguments into one set of briefs in line with the Plaintiff's opening brief, with separate briefs on the state law claims. Thus, all Defendants would file a single 60-page copyright brief, the Prospect Defendants would file a single 20-page state-law brief, Plaintiff would file a 50-page copyright opposition/reply and a 20-page state-law opposition, and Defendants would file a 20-page reply on copyright issues and a 10-page reply on the state law claims. ***This would be a grand total of 180 pages still to be submitted.***

Current Page Limits	Pages	Proposed Page Limits	Pages
Plaintiff's opening consolidated copyright brief (already filed)	30		30
Publishing Defendants' opening/opposition briefs	50	Defendants' consolidated opening/opposition brief on copyright claims	60
Prospect Defendants' opening/opposition briefs	50	Prospect Defendants' opening brief on state-law claims	20
Plaintiff's opposition/replies to the Publishing Defendants' briefs	40	Plaintiff's consolidated opposition/reply brief on copyright claims	50
Plaintiff's opposition/replies to the Prospect Defendants' briefs	40	Plaintiff's opposition brief on state-law claims	20
Publishing Defendants' reply briefs	15	Defendants' consolidated copyright reply brief	20
Prospect Defendants' reply briefs	15	Prospect Defendants' state-law reply brief:	10
	240		210

We appreciate the Court's attention to this matter.

Respectfully submitted,

KLARIS LAW PLLC

By: /s/Lacy H. Koonce, III
Lacy H. Koonce, III

*Attorneys for Emily Sylvan Kim
and Prospect Agency, LLC*